



Appeal Decision

Site visit made on 10 January 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/B5480/W/22/3300891

1 & 2 Pinewood Road, Havering-Atte-Bower, Romford, Essex RM4 1PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S McElrea and Mr R Mehal against the decision of the Council of the London Borough of Havering.
 - The application Ref P2378.21, dated 16 December 2021, was refused by notice dated 14 March 2022.
 - The development proposed is erection of 2 additional 5 bed bungalows with habitable roof spaces with two front and two rear dormers (addition to P1428.20 comprising six self-contained dwellings).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, with due regard to openness; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether Inappropriate Development

4. The appeal site is located within the Green Belt. Paragraph 149 of the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt would be inappropriate development, subject to a number of exceptions. The appellants submit that the appeal site is previously

- developed land (PDL), and that the proposal should therefore be assessed against the exception of paragraph 149(g) of the Framework which relates to the limited infilling or the partial or complete redevelopment of PDL, which would not have a greater impact on the openness of the Green Belt than the existing development.
5. The appellants refer to two areas of land which make up the appeal site, termed as the Mehal Land and the McElrea Land.
 6. Planning permission for 6 dwellings has been granted on the Mehal Land, and the proposal represents an extension of that development onto the McElrea Land to provide 2 further dwellings. The Mehal Land within the appeal site contains a number of built structures, which would be removed as part of the development.
 7. The McElrea Land includes a mixture of buildings and uses, and a Certificate of Lawful Use or Development (CLUD) has been granted for mixed use of the land as residential/commercial. The location of the 2 extra dwellings approximates to Areas H and G on Plan 2 of the CLUD. The CLUD sets out that Area H is used for the testing of fireworks associated with a business run from 2 Pinewood Road, and that Area G is used for the storage of materials associated with a tree and landscaping business also operated from No 2.
 8. I saw that Areas H and G have a relatively open character. This was readily visible from a path running through the Havering Country Park which passes close to the site, even allowing for a degree of screening provided by trees and shrubs. Although there were materials and parked vehicles on this area of land at the time of my visit, these would be of a transient nature and do not detract significantly from the openness of this part of the site. Built development or structures on these areas are also of a very limited scale located on the periphery of the land, and have a minimal effect on the perception of openness.
 9. The appellants submit that the proposed development across the appeal site would have a lesser footprint and cubic content than that existing. This is supported by calculations on footprint and volume for the appeal site as a whole and solely in respect of the McElrea Land, although in respect of the latter the cubic content may be 10% greater than at present.
 10. However, openness is not considered solely by reference to footprint or volume. The proposal would introduce built development on part of the site which has an open character. The transient nature of activities on this site and the small scale of built development does little to detract from this appreciation of openness. Even when viewed against the backdrop of the permitted housing development and the extant dwellings in the area, the proposal would result in the encroachment of built development into an area where no development of a similar scale and nature currently exists; namely the extent of the McElrea Land which would contain the 2 further dwellings. This would lead to commensurate harm in respect of openness.
 11. The appellants refer to the removal of buildings and chattels on the McElrea Land, particularly to the front and western flank of the site. However, these buildings and other features in these areas are located in a well-defined and constrained area of the site. Although their removal would be a benefit in respect of openness, including in enabling views through the site, this would

not be of a scale which would mitigate the harm to openness that I have identified.

12. On balance, I consider that the proposal would lead to moderate harm to the openness of the Green Belt due to the prominence and open character of the land which would contain the 2 further dwellings. This would be the case even allowing for the removal of buildings, chattels and other activities within the appeal site.
13. The second bullet point of paragraph 149(g) of the Framework also refers to development on PDL to meet an identified affordable housing need and which would not cause substantial harm to the openness of the Green Belt. However, it has not been demonstrated that the proposal would represent affordable housing within the terms of the Framework, and the second bullet point of paragraph 149(g) is therefore not brought into effect.
14. For the reasons stated, the proposal would have a greater impact on the openness of the Green Belt than the existing development. Therefore, with regard to paragraph 149(g) of the Framework, the proposal would represent inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt, and the Framework requires that substantial weight should be given to any harm.

Other Considerations

15. The proposal would add to the supply and mix of housing in this area. The appellants also emphasise that the site is within walking distance of local facilities, with nearby bus stops providing access to a wide range of services. However, even given the Council's housing land supply position, the results of the Housing Delivery Test, and the pressing need for housing, the benefits arising from 2 extra dwellings in this location would be limited.
16. The proposal would remove a mixture of commercial activities and associated buildings, storage and vehicle movements. However, although these are of a utilitarian and commercial character, they are not unduly visually intrusive due to the small scale of built development and the transient nature of associated activities. Even given the extent of existing views of the site, the areas of hardstanding are also not unduly visually intrusive.
17. The design of the 2 extra dwellings would complement those of the permitted development, and there would also be potential to introduce further landscaping. The removal of some features may enable views through the site and introduce visual breaks between built development and the surrounding area. However, I am also mindful that the proposal would be apparent as the encroachment of built development of a suburban character into what is currently a relatively open area. On balance, I consider that the proposal would have only a limited benefit in respect of character and appearance.
18. The removal of commercial activities would also reduce potential conflict with the existing and proposed dwellings, including with regards to noise, light and dust. However I have not been made aware of a history of complaints arising from uses at the site, even allowing for the nature of these uses including the testing of fireworks. Nevertheless, I am mindful of the potential for conflict between the existing commercial uses and existing and potential residents, and

considered objectively and in context the removal of the commercial uses carries moderate weight in favour of the proposal.

19. The appellants also refer to potentially lower levels of traffic generation resulting from the removal of commercial uses. However, the amount of traffic generated by the existing uses on the site has not been set out, and it has also not been demonstrated that there are problems arising from vehicle movements generated by the extant appeal site. This matter carries no more than limited weight in favour of the proposal.
20. I have also had regard to the fall-back position of the existing planning permission for the development of 6 dwellings. However, that extant permission relates to a site which contains a number of buildings, whereas the appeal proposal would extend built development onto a relatively open area of land. The extant planning permission therefore carries little weight in favour of the extent of development which forms the basis of this appeal.
21. Given the scale of the site and the residential nature of the proposal, I consider that there would also be only limited potential to increase biodiversity in this area.
22. Considered individually and cumulatively, these other considerations carry no more than moderate weight in favour of the proposal.

Conclusion

23. The proposal would represent inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The Framework requires that substantial weight should be given to any such harm. The harm by reason of inappropriateness is not clearly outweighed by other considerations. Although I have not identified any other harm arising from the proposal, this does not negate my conclusion in respect of inappropriateness and the substantial weight given to that. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would therefore be contrary to Policy G2 of the London Plan 2021 and the Framework with regards to protecting Green Belt land.
24. The appellants refer to the 'tilted balance' of paragraph 11(d) of the Framework. However, in accordance with paragraph 11(d)(i), this tilted balance is not triggered if the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Footnote 7 of the Framework sets out that this includes policies relating to the Green Belt. I have concluded that the proposal conflicts with policies of the Framework regarding protecting Green Belt land. On that basis, the tilted balance of paragraph 11(d) is not engaged.
25. For the reasons given, the proposal would conflict with the development plan and the Framework, and there are no material considerations that outweigh this conflict. I therefore conclude that the appeal should be dismissed.

David Cross

INSPECTOR